

10-14-04

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Attorney Docket No. 04231/LH

**IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE**

Applicant(s): T. KANEDA  
Serial No. : 10/826,042  
Filed : April 15, 2004  
For : MICROSCOPE APPARATUS  
Art Unit : 2872  
Examiner : Not Yet Assigned

**INFORMATION DISCLOSURE STATEMENT  
WITH STATEMENT UNDER 37 CFR 1.97(e)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R :

Submitted herewith are the following:

- (1) Copy of a European Search Report dated September 2, 2004, issued in the counterpart European application;
- (2) Copies of the cited publications; and
- (3) Form PTO/SB/08A. It is requested that an initialed copy of the Form PTO/SB/08A be returned to indicate that the publications listed therein have been considered and made of record.

The European Search Report is in English, thereby satisfying the requirements for a concise explanation of relevance for any non-English language publications cited therein (MPEP 609 III A(3)).

Express Mail Mailing Label  
No.: EV 512420026 US

Date of Deposit: October 12, 2004

I hereby certify the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Asst. Commissioner for Patents, Washington, D.C. 20231

N. Sahadeo  
Nalini P. Sahadeo

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by credit card payment, authorization to charge the extension fee, or any other fee required in connection with this Paper to Account No. 06-1378.

U.S. Patent Appln. Publication No. 2004/0134899 (listed on the attached form PTO/SB/08A) is the equivalent of German DE 10244850 cited in the European Search Report. See the listing of family members in the European Search Report.

EP 1 008 884, cited in the European Search Report, is a family member of Japanese 11-133308, which was filed with the IDS filed April 15, 2004. Thus, EP 1 008 884 is an English counterpart of Japanese 11-133308.

As seen from the listing of family members in the European Search Report, EP 1 008 884 and EP 0 280 375 both have U.S. patent counterparts. These U.S. counterparts, namely 2002/0191281; USP 6,396,628 and USP 4,880,294 are also identified on the attached form PTO/SB/08A.

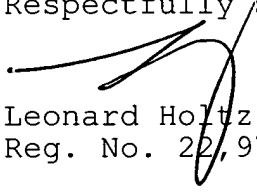
The U.S. patent publications identified on said form PTO/SB/08A are not enclosed herewith since the USPTO waived the requirement to file copies of U.S. patents and U.S. patent application publications for U.S. applications filed after June 30, 2003. See the USPTO Notice dated July 11, 2003.

**STATEMENT UNDER 37 CFR 1.97(e) (1)**

Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the present Information Disclosure Statement. Said Communication bears a mailing date of September 2, 2004. Therefore, the filing of this Information Disclosure Statement is timely under the provisions of 37 CFR 1.97(e) and does not require a fee.

It is respectfully requested that the publications listed on the attached form PTO/SB/08A be considered and made of record.

Respectfully submitted,



Leonard Holtz, Esq.  
Reg. No. 22,974

Encls.

Dated: October 12, 2004

Frishauf, Holtz, Goodman & Chick, P.C.  
767 Third Avenue, 25th Floor  
New York, New York 10017-2023  
Tel. No. (212) 319-4900  
Fax. No. (212) 319-5101  
LH/nps

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PTO/SB/08A (08-00)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for Form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>	Application Number		10/286,042
	Filing Date		April 15, 2004
	First Named Inventor		T. KANEDA
	Group Art Unit		2872
	Examiner Name		Not Yet Assigned
Sheet 1 of 1	Attorney Docket Number		04231/LH

## U.S. PATENT DOCUMENTS

Exam. Inits <sup>*</sup>	Cite No <sup>1</sup>	Document Number	Kind Code <sup>2</sup>	Name of Patentee or Applicant	Publication Date MM-DD-YYYY	Relevant Portion
		4,880,294		BRAKENHOFF	11-14-1989	
		6,396,628	B1	OSA et al.	05-28-2002	
		2002/0191281	A1	OSA et al	12-19-2002	
		2004/013489	A1	BARTZKE et al	07-15-2004	

## FOREIGN PATENT DOCUMENTS

Exam. Inits <sup>*</sup>	Cite No <sup>1</sup>	Offc <sup>3</sup>	Document Number <sup>4</sup>	Kind Code <sup>5</sup>	Name of Patentee or Applicant	Publication Date MM-DD-YYYY	Relevant Portion	T <sup>6</sup>
		EP	0 280 375	A1	STICHTING VOOR DE TECHNISCHE WETENSCHAPPEN	08-31-1988		
		EP	1 008 884	A1	OLYMPUS OPTICAL CO., LTD	06-14-2000		
		EP	102 44 850	A1	ZEISS CARL JENA GMBH	04-01-2004		

Examiner  
SignatureDate  
Considered

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Place a check here if English translation is attached.

DATE MAILED: October 12, 2004